

Exhibit 2



OFFICE OF SEXUAL MISCONDUCT PREVENTION & RESPONSE

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Student Title IX Report Procedures

Preliminary Assessment

When a report of a potential incident of domestic violence, dating violence, sexual assault, or stalking is received, the Title IX Coordinator will conduct a preliminary assessment of the available information.

What to expect during the preliminary assessment

The preliminary assessment may include the following:

1. Evaluating whether the report provides identifying information for the Complainant, Respondent, and/or witnesses to the reported incident
2. Conducting a Preliminary Investigation by gathering additional information from the Complainant, Respondent, and/or witnesses to the reported incident in order to assess the need for additional action by the University
3. Contacting the Complainant, if identified, in order to provide written information regarding the following:
 - The University's commitment to providing support and resources to survivors of dating violence, domestic violence, sexual assault, and stalking
 - The Complainant's right to seek medical treatment, as well as an explanation of the importance of preserving forensic and other evidence

- The Complainant's option to make a report—or to refuse to make a report—to law enforcement, as well as the potential of obtaining a Protection from Abuse or Sexual Violence Protection Order
 - The Complainant's right to invoke formal or informal University disciplinary/resolution processes in connection with their experience, as well as an explanation of what the formal and informal procedural options entail and the Complainant's rights under each
 - The Complainant's right to request appropriate remedial and protective measures, and an explanation of how to request those measures, including:
 - “No Contact” Directives or Agreements
 - Academic accommodations
 - Modifications to housing
 - Transportation assistance
 - Modifications to employment situations
 - The University's policy prohibiting retaliation, and its commitment to take prompt action in response to reports of retaliation
 - The Complainant's right to meet with the Title IX Coordinator to discuss their situation, including the procedural options, resources, and support services that may be available in connection with the Complainant's experience
 - The Complainant's right to be accompanied by an advisor of their choosing to any meeting or interview conducted in connection with the reported incident
4. Contacting the Respondent or other witnesses to obtain additional information regarding the reported incident
 5. Communicating with University Police & Public Safety and/or other University administrators in order to determine whether the reported incident triggers obligations under the Clery Act or child abuse reporting laws.

What to expect during an initial discussion with a Title IX Coordinator

If the Complainant is willing, the Title IX Coordinator or a designated staff member from the University's Office of Sexual Misconduct Prevention and Response will meet with the Complainant for an initial discussion of the Complainant's need for support and/or accommodations, as well as their preference for pursuing formal or informal University disciplinary/resolution processes. Possible outcomes of an initial discussion with a

Complainant can include the following:

1. The Complainant may wish/agree for the University to proceed with a Preliminary Investigation or *informal process* only, which may include contacting the Respondent or other witnesses in order to gather additional information or discuss the reported incident and to assess appropriate next steps. The Complainant will be eligible for appropriate accommodations, and appropriate protective/remedial measures may be provided. The Complainant will also be informed that they may request that the University take formal action in response to the reported incident at a later date. It will also be explained that, while there is no deadline for requesting to invoke the University's formal processes in response to an incident of dating violence, domestic violence, sexual assault, or stalking, the passage of time may impact the University's ability to gather information related to the incident. A timeline for next steps will be reviewed. The Complainant will be advised that there may be occasions where the University determines that additional formal or informal resolution processes are required, even if the Complainant does not express a desire to engage in additional process. The Complainant will be informed of the process by which the University makes such determinations, and will be kept apprised of any decision-making processes as they take place.
2. The Complainant may request that the University proceed with the *formal process*. The Complainant will be eligible for appropriate accommodations, and appropriate protective/remedial measures may be provided. Additional information necessary to proceed with the formal process will be obtained. A timeline for next steps will be reviewed and when appropriate, additional meetings scheduled.
3. The Complainant may express uncertainty as to what protective/remedial measures or procedural options they want or need. In such cases, whenever possible, the Complainant will be provided some reasonable period of time to consider their options and communicate whatever needs/preferences they may have. A timeline for next steps will be reviewed and when appropriate, additional meetings scheduled.
4. The Complainant may request that the University keep their identity confidential, which may include a request that the University decline to proceed with any additional fact-gathering, or formal or informal resolution processes with respect to the reported incident. In such instances, the Complainant will be advised of the "Requests for Confidentiality" procedures set forth below, and the University will follow these procedures in evaluating the Complainant's request and in taking appropriate action.

If a decision is reached to institute formal or informal University resolution processes, or to impose remedial or protective measures that will affect the Respondent, the Respondent will be notified of the proposed action by the Title IX Coordinator, and will receive written

notification of the available procedural options and resources available to them through the University and relevant community agencies, as well as the opportunity to meet with the Title IX Coordinator or a designated staff member from the Office of Sexual Misconduct Prevention and Response to discuss the same.

What to expect with a request for confidentiality or no action

Complainant Requests for Confidentiality/No Action- Title IX Evaluation Panel

A Complainant may request that the University not share personally-identifying information with the Respondent, or that the University not pursue an investigation or disciplinary action related to the reported incident. The University will seek to honor Complainant requests for confidentiality/no action whenever they are made, but must do so after balancing the Complainant's wishes with the University's obligation to provide for a safe and non-discriminatory environment for all University community members.

In evaluating a Complainant request for confidentiality/no action, the Title IX Coordinator will submit the Complainant's request to a Title IX Evaluation Panel, which will consider the totality of the circumstances in evaluating the Complainant's request. The composition of the Title IX Evaluation Panel may vary based upon the circumstances of the individual case, but will always include the Title IX Coordinator, a representative from University Police and Public Safety, and a representative from either the University's Office of Student Conduct or Employee Relations/Human Resources. Absent extenuating circumstances, decisions of the Title IX Evaluation Panel will be documented on a Title IX Evaluation Form within one week of a Complainant's request being made.

Factors considered by the Title IX Evaluation Panel may include:

1. The presence of aggravating risk factors, such as;
 - Whether the reported incident suggests a possible pattern of misconduct by the Respondent, by a particular group or organization, or at a particular location;
 - Whether the reported incident involved multiple Respondents;
 - Whether the reported incident involved the use of a weapon, physical violence, or threats of physical violence;
 - Whether the reported incident was facilitated through the use of "date-rape" or

- similar drugs;
 - Whether the reported incident occurred while the Complainant was unconscious, physically helpless, or otherwise incapacitated at the time that the incident took place;
 - Whether the Complainant is a minor; and/or
 - Whether any signs of planning behavior are present.
2. The potential impact on the Complainant of honoring—or declining to honor—their request;
 3. Evidence showing that the Respondent made statements of admission or otherwise accepted responsibility for the reported incident;
 4. The existence of any independent information or evidence regarding the reported incident; and
 5. Any other available and relevant information.

Depending on the specific circumstances, the presence of one or more of these factors could lead the University to decline the Complainant's request and pursue an investigation or other resolution process.

If a determination is made to honor a request from a Complainant. The Title IX Coordinator will communicate the decision to the Complainant in a prompt and sensitive manner. The Complainant will be advised that the University's ability to investigate and/or respond to a reported incident while also honoring their request may be severely limited. The University may nevertheless take other appropriate steps designed to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and the University community. Those steps may include offering appropriate remedial measures to the Complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances. The Complainant will be advised of any additional steps, and will also be informed of their right to request that the University pursue formal or informal resolution processes at a later date.

If a determination is made *not* to honor such a request from a Complainant. The Title IX Coordinator will communicate the decision to the Complainant in a prompt and sensitive manner. The Complainant will be provided with an opportunity to discuss the determination and to provide feedback regarding the University's proposed course of action in response to the reported incident. The Complainant will also be advised that they may participate in any formal or informal resolution processes with respect to the reported incident, but that they will not be required to do so.

What happens during a Preliminary Investigation

During a preliminary investigation into a report of potential dating violence, domestic violence, sexual assault, or stalking, or when an informal resolution process is requested by a Complainant, a staff member from the Office of Sexual Misconduct Prevention and Response will contact the Respondent to schedule a meeting. In that meeting, the staff member will:

1. review the rights of the Respondent (including available resources, accommodations, and support options, as well as the right to be accompanied by an advisor of their choosing to any meeting or interview conducted in connection with the reported incident);
2. review the alleged details of the reported incident, as appropriate; and
3. solicit the Respondent's perspective on the allegations

Informal Resolution Process

If the Complainant has expressed a desire to proceed with an informal resolution process, the staff member may also discuss with the Respondent:

1. actions requested by the Complainant, as appropriate; and
2. actions recommended by the University.

If, following the discussion, the Respondent voluntarily agrees to participate with the actions necessary to honor the Complainant's and University's requests, steps will be taken to complete those actions in a prompt and timely manner. Examples of requests include, but are not limited to, counseling for the Respondent, commitment to change/end the behavior, restricted activity, schedule modification, and educational intervention. The Complainant will be notified of the Respondent's agreement and appropriate documentation will be maintained. No reportable disciplinary record is created; however, the information will remain on file should future concerns be reported.

If the Respondent is not willing to honor the requests of the Complainant or the University, a follow-up meeting will be held with the Complainant to determine next steps. In addition, even if the Complainant initially expresses a desire to engage in the informal resolution process only, they may choose to invoke the University's formal resolution processes at a

later date.

Formal Resolution Process

Proposed Timeline and How to File a Complaint. A Complainant may issue a formal complaint with respect to an alleged incident of dating violence, domestic violence, sexual assault, or stalking in person, electronically, or via phone, by contacting the University's Title IX Coordinator:

Chris Harris, JD

Office of Sexual Misconduct Prevention and Response

222 Boucke Building, University Park, PA 16801

Phone: 814-867-0099

E-mail: titleix@psu.edu

If a Complainant issues a formal complaint, or if a determination is made to pursue a formal resolution in accordance with the Title IX Evaluation Panel procedures outlined above, the University will initiate a prompt, thorough, fair, and impartial investigation and resolution process. Reports will be investigated and managed by professional staff, Title IX Decision Panel members, or University Conduct Board members who have been trained annually on issues related to domestic violence, dating violence, sexual assault, stalking, and victimization, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

The University will observe the following procedures in conducting the formal resolution process, and will strive to complete any formal resolution process, up to and including a determination of responsibility and assignment of sanctions, as expeditiously as possible.

Formal Investigations. Formal Investigations will be conducted by trained investigators designated by the Title IX Coordinator. When a formal investigation process is initiated, the assigned investigator will attempt to gather whatever relevant information may be reasonably available regarding the alleged incident. This may include interviewing the Complainant, Respondent, and/or any other witnesses who are identified during the course of the investigation, as well as gathering available documentary, electronic, or physical evidence. Parties will be provided with adequate notice of the investigation and a meaningful opportunity to be heard.

At the conclusion of the investigation, the assigned investigator will prepare a draft Investigative Packet, which will contain all material information gathered during the investigation and being put forward for consideration in determining whether to hold the Respondent responsible for the alleged incident. The draft Investigative Packet will not contain any findings of responsibility/non-responsibility. The assigned investigator will complete his or her investigation, in a timely manner.

The Complainant and Respondent will be provided with an opportunity to meet with the assigned investigator in order to review the draft Investigative Packet, submit additional information or comments, identify additional witnesses or evidence for the investigator to pursue, and submit any additional questions that they believe should be asked of any other party or witness. The parties will have up to 5 business days to submit any additional questions or follow-up after reviewing the draft Investigative Packet.

Once the parties have responded to the draft Investigative Packet or the 5 business days have elapsed, the assigned investigator will review and address any questions or follow-up submitted by the parties in response to the draft Investigative Packet, as appropriate. This may include conducting additional investigation. The assigned investigator will then incorporate any revisions or new information into a final Investigative Packet within 5 business days, if possible. The parties will be provided with an opportunity to review any new information that is added to the Investigative Packet before it is finalized.

The final Investigative Packet will be forwarded to a Case Manager in the Office of Student Conduct. The assigned investigator will not include a recommended finding of responsibility in the final Investigative Packet.

Processes for Determining Responsibility. Whenever a final Investigative Packet is received by a Case Manager in the Office of Student Conduct, the Case Manager will review the Packet and, if s/he determines that the information in the Investigative Packet reasonably supports a Code of Conduct violation, the Case Manager may recommend charges and sanctions to the Respondent. If the Case Manager determines that the information in the Investigative Packet does not reasonably support a Code of Conduct violation, then the case will be closed without charges.

If charges are issued, the Respondent and Complainant will both be provided with an opportunity to meet with a Case Manager from the Office of Student Conduct to discuss and respond to the charges and ask questions about the adjudicative process. If charges are assigned by the Case Manager and the Respondent chooses to accept responsibility, both the Respondent and Complainant will have the opportunity to request a sanction review

pursuant to applicable procedures listed in the [OSC Procedures document](#).

If the Respondent contests the charges, the matter will be forwarded to a Title IX Administrative Hearing or a hearing before a Title IX Decision Panel. [More information regarding Title IX Administrative Hearing or Title IX Decision Panel procedures](#).

Participation and the Right to Advisors. The Respondent and Complainant will both be afforded reasonable opportunity to attend and participate in proceedings before the Title IX Decision Panel and/or University Conduct Hearing. In addition, the Respondent and Complainant may each be assisted during proceedings by an advisor of their choice, pursuant to the policies outlined in the [Office of Student Conduct Procedures document](#). Each party will be allowed to submit an impact statement that will be reviewed by the Title IX Decision Panel or University Conduct Hearing officer(s), should the Respondent be found responsible for violating the Code.

Notification of Determination and the Right to Appeal. Both the Respondent and the Complainant will be notified simultaneously, in writing, of the decision once the written outcome has been submitted to the Case Manager by the Title IX Decision Panel or University Conduct Hearing. Both the Respondent and the Complainant will also be notified, in writing, of the appeal procedure, of any change to the decision that occurs prior to the time that the decision becomes final, and when the decision becomes final. If suspension or expulsion is either assigned or was within range for the charges, both the Complainant and the Respondent will have the opportunity to file an appeal. At the conclusion of any appeal process, both the Complainant and the Respondent will be notified simultaneously, in writing, of the final outcome.

Revision History

- August 22, 2018 – updated Title IX Coordinator name
- May 29, 2018 – Editorial changes to time frame. Direct link added for Title IX Administrative Hearing and Title IX Decision Panel procedures.

NEED HELP?

**If you believe you or anyone else is
in immediate danger, call 911 or the**

**University Police (814-863-1111)
immediately.**

[24-hour Penn State Hotline](#)

1-800-560-1637

Available at all campuses for
information and support

OFFICE OF SEXUAL MISCONDUCT
PREVENTION & RESPONSE

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